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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CHARLES V. REED,

11 Plaintiff,

12 v.

13 DEPARTMENT OF CORRECTIONS,
14 et al.,

15 Defendants.

CASE NO. 3:16-cv-05993-BHS-DWC

ORDER FOR SUPPLEMENTAL
BRIEFING

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17 Plaintiff Charles V. Reed, proceeding *pro se* and *in forma pauperis*, initiated this civil
18 rights action. This Court entered a Report and Recommendation recommending Defendants'
19 Motion for Summary Judgment be granted. Dkt. 57. The Honorable Benjamin H. Settle declined
20 to adopt the Report and Recommendation. Dkt. 62. The District Court re-referred this case to the
21 undersigned magistrate judge for further proceedings, explaining the District Court still had
22 concerns about whether Plaintiff's treatment was delayed due to a balancing of financial
23 concerns and medical need, and whether Defendants' triage protocol provided care in
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1 compliance with the Eight Amendment. *Id.* Judge Settle also ordered that counsel be appointed
2 for Plaintiff (Dkt. 63), and Plaintiff's Counsel has now entered a notice of appearance (Dkt. 64).

3 Therefore, it is ORDERED:

- 4 1) In light of Judge Settle's Order, Defendants are directed to file supplemental briefing
5 addressing whether Defendants had actual financial constraints that prohibited them
6 from treating Plaintiff, whether the Department of Corrections' ("DOC") treatment
7 policy adequately accounts for individualized medical need, whether DOC's triage
8 protocol adequately monitored Plaintiff before he received full treatment, and any
9 other issue raised in Judge Settle's Order.
- 10 2) The Court notes that its Report and Recommendation (Dkt. 57) did not include
11 determinations regarding personal participation, exhaustion, entitlement to injunctive
12 relief, or qualified immunity. As Plaintiff's counsel has not had an opportunity to
13 provide briefing on these issues, Plaintiff may provide briefing on these issues in his
14 supplemental briefing.
- 15 3) Defendants shall file supplemental briefing on or before May 18, 2018.
- 16 4) Plaintiff may file a supplemental response on or before June 4, 2018.
- 17 5) Defendants may file a reply on or before June 8, 2018.

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1 6) The Clerk is directed to renote Defendants' Motion for Summary Judgment (Dkt. 40)
2 to June 8, 2018.

3 Dated this 30th day of April, 2018.

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5 David W. Christel
6 United States Magistrate Judge
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